



ARCADE CREEK
RECREATION & PARK DISTRICT

Board of Director Policies

Adopted on May 21, 2026

4855 Hamilton Street
Sacramento, CA 95841
(916) 482-8377
www.ArcadeCreekrpd.gov

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1 PURPOSE, GOALS, AND PHILOSOPHY

2

2.1 The Purpose of District Board Policies

The purpose of this policy manual is to establish policies, goals, and the philosophy of the Arcade Creek Recreation and Park District and its Board of Directors. This policy manual is intended to serve as a resource to the Board of Directors, staff, and members of the public in determining the way matters of District business and decision-making are to be conducted. This policy manual is predicated upon federal, state, and local laws.

2.2 Adoption/ Amendment of Policies

The policy manual shall be amended from time to time to comply with various laws. Upon the adoption of this policy manual, the Board of Directors shall consider further changes thereto through amendments to be adopted by the full Board hereafter. New policy amendments shall require a resolution by the Board of Directors and be enacted through a majority vote. The resolution and enactment of policy shall be forwarded to all Board members pursuant to the requirements of notification hereinafter established. The General Manager is to ensure policies are maintained and updated, as needed.

2.3 The District

The Arcade Creek Recreation and Park District is a governmental agency formed on August 31, 1959 pursuant to the Public Resources Codes of the State of California. Originally called Del Paso Recreation and Park District, later changed in 1974 to Arcade Creek Recreation and Park District. The District's authority and legislative mandates are generally found within the government, public resources, and streets and highways codes sections of the State of California. The District is governed by a five-member Board of Directors, elected by the populous within prescribed geographical boundaries of the District. The five-square-mile district has approximately 25,000 residents and 50 acres of parks.

NORTHERN BOUNDARY: Madison Avenue

WESTERN BOUNDARY: Roseville Road

SOUTHERN BOUNDARY: Cypress Avenue

EASTERN BOUNDARY: Manzanita Avenue

The District's primary goal and its public charge is to provide recreation and park facilities and programs for the residents within the District's boundaries. In concern thereof, and to that end, the District and its representatives shall be actively concerned with all matters that directly or indirectly affect the achievement of this primary goal. The acquisition, development, preservation, and safety of parks, recreation facilities, and open space is a primary goal. The consideration of locating such public facilities by its nature involves cooperative planning with the community, Cities within the District Boundaries, the County of Sacramento, the State, and other agencies. This cooperation realizes the importance of the District in its planning and location of facilities to assure maximum utility, efficiency, aesthetics, and other concerns to the community and individual neighborhoods.

2.4 County Regional Facilities

Regional parks, open space, and recreation facilities, which are publicly oriented and operated, and which are not within District boundaries, are generally not provided by the District. These types of facilities are typically provided by the County of Sacramento Department of Regional Parks. Although

these facilities are not a direct function of the District, they involve the primary goal of the District. These facilities are patronized and supported financially by and through County taxation of residents of the District and, therefore, are a concern of the District. The District shall exercise whatever powers and means are at its disposal to assure representation of District residents in matters relating to regional facilities where said representation is deemed prudent and advisable under the prevailing circumstances.

2.5 Cooperative Planning

The District's geographic area of service will continue to grow rapidly with the development of new residential and commercial areas. The development of communities, neighborhoods, and commercial areas requires a variety of public services and facilities. In order to achieve the District's primary goal, cooperation with cities, counties, the Sacramento Local Agency Formation Commission, other special districts, and private developers is a primary consideration. The District will directly cooperate with each of these agencies and organizations to assure coordination and efficiencies of service to its communities. The District shall interface with all of these organizations to affect cooperative planning and environmental considerations.

2.6 Statewide Legislation

The District's Board Members may be involved in supporting or opposing legislation that relates directly or indirectly to the functions of the District or through which the District can constructively contribute to the betterment of leisure services, the preservation of open space, and/or the efficiency of governmental services.

3 GOVERNANCE

3.1 Powers and Duties of the Board of Directors

The Board is the governing body of the recreation and park district and shall determine all questions of policy and fiduciary oversight.

3.2 Specific Powers

The Board of Directors of the District shall establish a policy which will allow the District to organize, promote, conduct, and advertise programs of community recreation. The Board shall establish systems of recreation programs, recreation facilities, parks, parkways, open space, and landscape corridors. The District shall acquire, construct, improve, maintain, and operate parks and recreation centers within the territorial limits of the District.

3.3 Joint and Cooperative Action with Governmental Agencies

The Board of Directors will cooperate with cities, counties, special districts, school districts, the state or any subdivision thereof, or federal agencies to carry out the purposes and goals of the District. The District will enter into agreements with other public agencies to establish systems of recreation and service for the purposes of good government and efficiency.

3.4 Necessary Powers

The District Board shall have and exercise all rights and powers expressed or implied, necessary to carry

out the purposes and intent of these policies. These powers shall include the rights to sue or be sued, to take or acquire real or personal property, to appoint, employ, and pay persons necessary to carry out the business of the District, to employ counsel, to enter into and perform necessary contracts, to borrow money and give security therefore, and to contract with any public entity or person for the construction maintenance, provision of services, supplies, equipment or labor necessary to the District's operation and primary goal.

3.5 Methodology of Implementing Powers

The Board of Directors shall cause, through the adoption and amendment of this policy manual, regular meetings of the collective Board of Directors for the purpose of setting District policy, goals, and objectives. The Board, through this policy manual, shall consider the implementation of its necessary powers and cause such decisions to be carried out through a majority decision of the Board of Directors and implemented through the General Manager. The Board shall employ a professional executive officer (General Manager) who shall be responsible for the operation of the District and the carrying out of policies and the intent of the District's budget.

3.6 Board Compensation

The Board of Directors, through a vote of the full Board, shall specify that each of its members may receive an amount of compensation, not to exceed \$100, for each monthly attended meeting of the Board. The maximum compensation allowable is pursuant to *Public Resources Code Section 5784.15*.

No Board member shall receive an amount greater than \$100 compensation during any one calendar month. The Board of Directors, realizing these statutory limitations, hereby prescribes that the rate of reimbursement shall be \$100 per attendance at Regular Board Meetings. Attendance at Special Board Meetings; Standing Committee Meetings; entire trainings and educational seminars or conferences; negotiation sessions; depositions; required meetings with District consultants, or other professionals for the purpose of conducting District business; field trips; ACRPD park or facility groundbreaking ceremonies and, ribbon cutting ceremonies at new ACRPD park openings; public hearings and any other activity the Board requests a member attend in advance of the attendance per Public Resource Code may not be reimbursable unless otherwise decided by the entire Board. The Board of Directors further prescribes that the maximum compensation that any Board member may receive, pursuant to this section, shall not exceed \$100 during one calendar month.

3.7 Board Member Elections

The Board is comprised of five Directors, with elections being held in two-year cycles. The terms for each position are four years unless a Director is appointed to fill the balance of a vacated seat. Elections occur in concert with general elections, with two positions in one year and three positions in the alternating election year. Board Members represent and are accountable to the entire population of the District and not just specific areas.

No person shall be a candidate for or be appointed to hold office on the District Board unless that person is a voter within the Arcade Creek Recreation and Park District (Public Resources Code 5784).

3.8 Election of the Board

The supervising authority, that being the County Board of Supervisors, shall initiate proceedings calling for the election of Board members of this District on an even-year general election. The County Registrar of Voters, the designated department responsible for elections within this county, shall cause such elections to be held and shall invoice the District for the payment of election expenses. The District shall be subject to conformity with the Uniform District Election Law (Elections Code 10500-10556) and other codes of the State of California, prescribing proper elections of this Board of Directors. The Board of Directors does not encourage the holding of uncontested elections, which would needlessly expend taxpayers' funds. The Board of Directors shall combine elections with the State, and the County shall limit candidates' statements to not exceed 200 words and shall require the candidate to pay the expense for the candidate's ballot statements in order to effect cost savings to the District.

3.9 Ordinances and Resolutions

The Board shall make and enforce ordinances and resolutions necessary for the administration, governance, and protection of the property and facilities under its management or belonging to the District. Formal Resolutions, motion resolutions, and ordinances may be read at meetings by the Chairperson, Clerk, or member making a motion to adopt said resolution prior to the recording of the vote.

3.10 Professional Organizations

The Board may encourage the attendance of its members and staff at professional and vocational meetings, conferences, and institutes, and shall authorize reimbursements of all reasonable expenses incurred with preauthorization from the Board. *(See section 3.8 Training, Education, and Conferences)*

3.11 Procedures of the Board of Directors

The Board of Directors, as governed by the Brown Act, is committed to providing excellence in legislative leadership that results in the provision of the highest quality of services to its constituents. The Board of Directors hereby collectively commits itself to conducting the business and decision-making of the District at open and public meetings appropriately published and noticed. The Board of Directors, recognizing the importance of public participation, shall cause to be posted detailed agendas that provide descriptions of meeting matters and opportunities for the public to address the Board.

3.12 Regular Meetings

The regular meetings of the Board of Directors shall be held on the third Thursday of each month at 6 p.m. The Chairperson shall establish the order of business at all Board meetings. All meetings of the Board of Directors shall be open and public, and all persons shall be permitted to attend any meeting of the Board or its prescribed committees. While the public has the right to attend committee and special meetings, the Board of Directors can limit public comment for Special Meetings to the specific meeting topic.

3.13 Agenda Posting

The Board of Directors shall cause to be posted, at least 72 hours in advance, an agenda for any regular meeting of the Board of Directors or committees thereof. The agenda shall include any items to be discussed in closed session, and each item shall contain a general description of an item to be discussed

as included on the agenda. No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that the Board members may briefly respond to statements or questions posed by persons exercising their public testimony rights. Posting of agenda items shall be accomplished at the District Headquarters located at 4855 Hamilton Street, Sacramento, CA 95841, in order to facilitate visual inspection by the public.

3.14 Rules of Decorum and Rights of the Public

Persons attending Board or committee meetings shall have the right to record such proceedings with video or audio recorders. The Board of Directors shall prohibit any recordings that cause disruption of the meeting due to noise, illumination, obstruction of view, or other persistent disruption of the proceeding. Upon the establishment of an agenda and supplementary information to be provided to the Board, the public shall have the right to inspect such information at the District Headquarters office during regular working hours. Request for written documents must be made to the Clerk, who shall cause such documents to be copied at a cost established in the fee schedule per page for said copies.

In order to effect adequate transcription and preparation of the meeting minutes, the District may record said meeting. If such meetings are recorded, they shall not be erased or destroyed until the adoption of Minutes by the Board. The Board of Directors welcomes and encourages public testimony during the Public Comment section of the District's agenda. To facilitate meeting length, testimony under Public Comment is limited to no more than three minutes by each member of the public. Members of the public may be requested to complete a prescribed form prior to the time of the hearing of Public Comment in order that the Chairperson may allow for the individual to address the Board. Per applicable law, no person shall be compelled to provide this information as a condition of speaking. The Board of Directors shall, in addition to this section, consider ordinances prescribing rules of decorum and methods of addressing the Board.

3.15 ACRPD Branded Board Members' Attire

District Branded Attire should be worn only during official ACRPD-related business appearances, events, or meetings. Because the ACRPD-branded attire represents the image of the District, Board Members and Committee Members should avoid wearing their ACRPD-branded attire outside of their scheduled ACRPD-related business.

- Board Members are responsible for the upkeep and maintenance of their ACRPD attire.
- Board Members shall not wear ACRPD attire in any location or at any event that may represent or portray the District in a negative light.
- Board Members in no way should modify an accepted uniform standard (e.g., cutting off sleeves).
- The Chairperson has the authority to set additional dress code expectations at meetings.

3.16 Subsequent Actions Not on the Agenda

A new agenda item may be established by a two-thirds vote, or if less than the full Board is present, four members, if the agenda item arose out of the need to take action subsequent to the agenda being posted as specified previously and the need to take action was not known by the District at the time the agenda was posted. The Board may also determine by a majority vote that an emergency situation exists pursuant to certain legal requirements and may establish a new agenda item as defined in

government codes.

3.17 Notice

The Board of Directors shall cause to be published/posted notices of meetings of the Board of Directors, Committees, and other committees officially established by the Board of Directors with jurisdictional power. In order to meet the intent of the government code, said notices shall be considered adequate when the meetings are held regularly at the prescribed time and place. Special meetings or continued meetings shall meet the notice requirement of publication/posting 24 hours in advance of the time of the specified meeting notice. In the case of an emergency situation, particularly described by law, such notice requirements and posting requirements may be suspended. These emergency situations may occur as the result of work stoppage or crippling disasters which severely impair public health, safety or both as determined by a majority of the District Board members. A one-hour emergency notice shall be made to local newspapers, radio, website, and/or television stations.

3.18 Closed Sessions/Public Report

The Board of Directors of the Arcade Creek Recreation and Park District may conduct closed sessions pursuant to the prescribed rules contained within the Government Code. At these closed sessions, issues such as the conclusion of a real estate negotiation, a settlement agreement in a lawsuit, certain employee actions, labor negotiations, and other circumstances may be discussed.

For closed sessions titled "Conference with Labor Negotiators" (Government Code Section 54957.6) and pertaining to the General Manager's Employment Agreement, the Agency Designated Representative shall be the Chairperson of the Board of Directors that held such position during the majority of the General Manager's associated Performance Evaluation period. The Board may change Agency Designated Representatives at any time by voting in an open session. These representatives differ from the designated agency negotiator(s) in Property Negotiation closed sessions.

The Board of Directors shall cause that section of the government code used in conducting the closed session to be published/posted as part of the agenda, shall report prior to entering into closed session, on the purpose of the closed session and shall report directly after the closure of said closed session, on the considerations made therein. All information in a closed session is deemed confidential and disclosure of information from closed session released by any member in attendance is subject to penalties of the law governing closed session meetings including but not limited to potential censure and fines, per *Government Code section 54963 (c)(1)-(3)*. Public comment period before a closed session is required.

3.19 Adjournment

The Board of Directors may adjourn any regular or special meeting pursuant to the published agenda. The next meeting of the Board of Directors or committee shall be pursuant to the published notice of said meetings. By circumstance, if there is less than a quorum (three members), the meeting shall be considered adjourned. If all members are absent from any regular or special meeting, the clerk or the secretary of the Board of Directors may declare the meeting adjourned to a stated time and place and shall cause written notice of the adjournment to be given in the same manner as required for special meetings.

3.20 Continuance

Any hearing of the Board of Directors or committee, being held or noticed or ordered to be held by the Board of Directors, may by order or notice of continuance, be reconstituted at a subsequent meeting of the Board of Directors. In the same manner and to the same extent as set forth in the above paragraph on the adjournment of meetings. If the continuance is not until the next regularly scheduled meeting, then a special meeting shall exist, wherein notice shall be mailed and delivered 24 hours in advance and posting shall occur at the same time, referencing the Notice of Continuance as a special meeting.

3.21 Special Meetings

A special meeting may be called at any time by the Chairperson of the Board of Directors, the General Manager, or by a majority of the members of the Board, by delivering personally or by email written notice to each member of the Board, by posting an agenda in the appropriate manner prescribed by law. Such notice must be delivered personally, publicly posted online, or by mail at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted.

3.22 Board Officers The officers of the Board of Directors shall be a Chairperson, Vice-Chairperson, and Treasurer/Secretary. Prior to the election of Directors as Chairperson or Vice-Chairperson, the Board shall consider completion of Special District Governance Training through an appropriately accredited association or resource (CSDA, CARPD, CPRS, etc.) as a factor in Officer eligibility.

3.23 Chairperson

It shall be the duty of the Chairperson to preside at all meetings of the Board of Directors, appoint committees, call special meetings when they may be deemed advisable, execute all documents and papers on behalf of the Board of Directors, and act as Liaison Officer between the public and the Board when the circumstances warrant; when the Chairperson is acting as Liaison Officer for the Board, the Chairperson shall carry out the directives, if any, of the Board.

3.24 Vice Chairperson

In the absence or disability of the Chairperson, the Vice-Chairperson shall have all the Chairperson's powers and perform the duties of the Chairperson.

3.25 Treasurer/Secretary

The Board Treasurer/Secretary attests to actions in conjunction with the Chairperson. The Treasurer also serves on the Finance Committee.

3.26 Annual Election/Rotation of Board Officers

At their first regular meeting of December, the Board of Directors shall consider the offices of the Board of Directors. The Board of Directors may also choose to implement a system of rotation wherein, at the first meeting in December, the Treasurer/Secretary may become the Vice Chairperson and the Vice Chairperson may become the Chairperson. The Board of Directors then may select a Secretary of the Board. (Reference Sections 2.22 and 2.45 regarding Special District Governance Training)

3.27 Vacancies and Resignations

Pursuant to *Government Code Section 1780*, the Board of Directors shall determine whether to fill the vacant position by appointment or special election.

If the Board chooses to fill by appointment, it shall do so within a period of sixty (60) days subsequent to the effective date of such vacancy. The District's Board of Directors shall also make notice of this appointment and vacancy to be posted in the appropriate manner. The Board may also cause to have published notice of vacancy and appointment in a newspaper of general circulation. The Board shall require an application procedure wherein persons to be selected for consideration shall be registered voters within the boundaries of the Arcade Creek Recreation and Park District and reside within the vacant voting district.

The form of this application shall be in a letter addressed to the Board specifying the address, whether the applicant is a registered voter in the vacant voting district, the applicant's phone number, and reasons for consideration of appointment based upon the minimum requirements. The statements within their application shall specify their involvement in community, recreation, or park services. The notice of vacancy needs to be submitted to Sacramento County within 15 days and then posted 15 days before the appointment of a new Board Member.

3.28 Office Vacancy/Board Member Removal *Source: Government Code Section 1770*

An office becomes vacant on the happening of any of the following events before the expiration of the term:

- a) The death of the incumbent
- b) An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his or her office for the remainder of his or her term.
- c) Their resignation
- d) Their removal from office.
- e) Their ceasing to be an inhabitant of local residence as required by law, of their representative district, or county.
- f) Their ceasing to discharge the duties of their office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.
- g) Their conviction of a felony or of any offense involving a violation of their official duties.
- h) Their refusal or neglect to file their required oath within the time prescribed.

3.29 Board Member Censure

The Board of Directors has a strong commitment to ethics. The public expects and must receive the highest standards of ethics from all those in public service. In order to be able to enforce conformance to its ethical policies, the Board must have a procedure by which it can censure its own members for violation of its policies or bylaws.

Purpose

This Policy is intended to provide the mechanism by which the Board of Directors, acting as a whole, can discipline and punish any of its members who violate state or federal laws applicable to the District or for violation of the Board Policies or Bylaws of the Board.

Policy

It is the Policy of the Board of Directors that all of its members shall abide by federal and state laws that are applicable to members of the Board, as well as to Board Policies or Bylaws. Violation of such laws, policies, or bylaws tends to injure the good name of the District and undermine the effectiveness of the Board of Directors as a whole. Such conduct is deemed to be a dereliction of duty. Censure is a formal Resolution of the Board of Directors officially reprimanding one of its members. Censure is an appropriate punitive measure when the violation of law or policy is deemed by the Board to be a serious offense. In order to protect the overriding principle of freedom of speech, the Board of Directors shall not impose "censure" on any of its members for the exercise of his or her First Amendment rights, no matter how distasteful the expression was to the District and Board of Directors. In order to ensure the right to a fair jury trial, the Board of Directors shall not impose "censure" on any of its members for the violation of any law while criminal charges are pending. However, when the criminal proceedings are final, the Board of Directors need not be bound by the conclusions of the Court and may hold a "censure" hearing.

Procedure

- 1) A request for a "censure" hearing must be submitted to the General Manager in writing by no less than two nor more than three members of the Board of Directors. The request must contain the specific charge(s) on which the proposed censure is based and the written material(s) that are the basis for the charge(s).
- 2) A copy of the request for censure and the charge(s) shall be sent by the General Manager's office to all the members of the Board of Directors at least five (5) business days prior to the Board of Directors meeting at which it will be considered. The request and charge(s) shall be placed on the agenda in accordance with the Brown Act for the meeting of the Board of Directors.
- 3) The Board of Directors shall determine that either:
 - a) Further investigation of the charges is required; or
 - b) The matter is to be set for public hearing; or
 - c) No action is required.
- 4) Further investigation, if required, shall be done by an ad hoc Committee appointed by the Board Chairperson. If the Board Chairperson is the subject of the request, the Committee shall be formed by the Board Vice-Chairperson.
- 5) If the matter is set for a public hearing, it must be set no sooner than the next regularly scheduled Board meeting following the Board's determination under Section 3 of these procedures in order to give the accused member adequate time to prepare a defense.
- 6) At the public hearing, the member of the Board of Directors subject to the request shall be given the opportunity to respond to the request and to provide the Board of Directors with information and material(s) relevant to the charge(s). The proponents of the request may also respond to the presentation, and members of the Board of Directors may ask questions

pertaining to the matter at hand. The member subject to the charge(s) may be represented at his or her own personal expense and may have the representative speak on his or her behalf.

- 7) A decision to censure requires the adoption of a Resolution making findings with regard to the specific charge(s), based on substantial evidence, and approved by a two-thirds vote of the full Board of Directors.

3.30 Standing Committees

For the efficiency and the overall health of the District, each Board Director shall serve on one committee, except the Board Chairperson. These committees do not have a Chairperson as all committees will report to the entire Board. The following standing committees may be nominated by the Chairperson of the Board of Directors each year and approved by the Board's majority vote:

- 1) Finance: Two members of the Board of Directors are appointed to this standing committee to review fiscal operating budgets, revenue and expenditures, assessment district funding, audits, and revenue ballot measures. One member shall be the current Treasurer/Secretary. Agendas for these meetings are posted for the public in accordance with the requirements of the Ralph M. Brown Act.
- 2) Policy: Two members of the Board of Directors are appointed to this standing committee to review and make recommendations regarding District policies. Committee members also assist in establishing and communicating Board priorities for policy development and updates. Agendas for these meetings are posted for the public in accordance with the requirements of the Ralph M. Brown Act.

3.31 Ad Hoc Committees

Ad Hoc Committees consist exclusively of fewer than a quorum of the Board to analyze and report to the Board on temporary issues consisting of single or limited purposes, during a set-time frame, and are dissolved when their assigned work has been completed. Ad Hoc Committee meetings are not subject to the agenda posting requirements of the Ralph M. Brown Act. The Chairperson of the Board of Directors may establish Ad Hoc Committees as deemed necessary in carrying out the objectives and goals of the District. The Chairperson may appoint members to Ad Hoc Committees directly, without a majority vote of the Board. Ad Hoc Committee Appointments will be specifically agendized when possible, but the Chairperson has the discretion to make the appointments at the time of the meeting if deemed necessary.

3.32 Functions of Committees

All business requiring further study shall be referred to the proper committee for report and recommendations to the Board as a whole for action. Action recommended by a committee shall not be considered as binding or representing the Board of Directors' position on the matter in question. Under no circumstances is a committee or any member of that committee to take any action or make any statement committing the Board as a whole. Committees should seek authorization from the Board when a lengthy study or in-depth analysis requires significant staff time.

3.33 General Manager

The General Manager shall be the executive officer of the District, carrying out the policies, budget, and decision-making of the Board of Directors. The General Manager, under the direction of the Board of

Directors, will be responsible for the administration of the District and shall organize and direct its total recreation and park program, various facilities, and employees. The General Manager shall employ personnel within established budget limits to carry out the objectives and functions of the District. The General Manager shall have the right to terminate employees if necessary, pursuant to the Personnel Policies and Procedures Manual. The General Manager shall prepare and administer the District budget, maintain a complete financial record for the District including an appropriate set of record books required under the state and county laws, shall be responsible for acquisition and development, shall update the District's Master Plan, shall prepare reports on accomplishments and needs of the District, shall prepare information necessary for Board meetings, and shall carry out any and all ordinances, policies and resolutions of the Board of Directors. The General Manager shall be evaluated by the collective Board of Directors on at least an annual basis and concluded at the last meeting in the month of the General Manager's annual employment anniversary date and not later than the next meeting following the anniversary date, unless otherwise agreed upon. If a new policy is needed to address a topic, the General Manager will request a policy be considered by the Board at the next Regular Board Meeting.

3.34 Board Leadership

The Board of Directors hereby considers the following sections of the Policy Manual in order to establish legislative leadership and interaction amongst Board members, the General Manager, staff, and the public.

3.35 Board Member Conduct

The dignity, style, values, and opinions of each member of the Board of Directors shall be respected individually by all members of the Board. Each Board member shall be responsive and attentive in listening to communication from other Board members, staff, and the public. Members of the Board should commit themselves to emphasizing the positive aspects of decision-making, avoiding unnecessary discussion, and focusing on issues, not personalities. Alternate viewpoints should be respected and considered. Board Members are not to speak on behalf of the entire Board unless authorized by the entire Board; this applies to posts on social media platforms. Board members should distinguish their speech as an individual community member, apart from representing the District.

3.36 Social Media Regulations

In 2026, the Ralph M. Brown Act was amended through AB 992 and SB 707 regarding social media use by members of a legislative body. The updates prohibit a public official from commenting, liking, sharing, re-tweeting, or reacting ("emoji") to another public official's post regarding an agency or district's subject matter. A conservative approach is for public officials to avoid posting on threads in which another public official of the same agency has posted if the issue relates to public business. Public officials are allowed to answer questions, provide information to the public, or solicit information from the public regarding a matter within the legislative body's subject matter jurisdiction.

3.37 Primary Responsibilities of the Board

The primary responsibilities of the Board of Directors are the formulation and evaluation of policy and fiduciary oversight. Routine matters concerning the operational aspects of the District are to be directed to the General Manager and professional staff of the District. Clarification for policy-related concerns,

especially those involving personnel, legal action, land acquisition, development financing, programming, and other concerns, should be referred to either the collective Board of Directors or the General Manager for proper disposition. Board members should refrain from discussions with personnel other than the General Manager as it relates to inquiries, staff supervision, or District policy. Utilizing the chain of command should be emphasized to any staff members approaching Board members concerning such issues. The use of the chain of command protects not only the employee and their supervisor, but also the Board Members from inappropriate decision-making.

3.38 Complaints, Safety Hazards, and Concerns

Complaints from residents or property owners of the District should be referred to the General Manager for disposition. Complaints directly received at Board Meetings should be referred to staff for study and/or further discussion in order to involve all aspects of consideration. Safety hazards or concerns should be reported to the General Manager or designee at District Headquarters in order to effect appropriate emergency assistance.

3.39 Board Cohesiveness

Policies and decision-making of the Board of Directors need to be appropriately discussed, and collective decision-making needs to occur in order to establish a majority consensus for implementation. Board Members working in relationship with one another and the General Manager can deal with current issues, concerns, and District projects comfortably and openly. Directors should function as a whole, realizing the individual responsibility of each member and the collective power of the group. Issues should be brought to the attention of the Board as a whole through the proper channels of Agenda and communication rather than individual members selectively talking to one another or forming decision-making blocks.

3.40 Ethics Training

All Directors of Arcade Creek Recreation and Park District shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of election or appointment to the Board of Directors and at least once every two years thereafter, pursuant to *Government Code Sections 53234 through 53235.2*. This policy shall also apply to all staff members that the Board of Directors designates and other bodies that are subject to the Ralph M. Brown Open Meeting Act.

All ethics training shall be provided by entities whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission. Ethics training may consist of either a training course or a set of self-study materials with tests and may be taken at home, in person, or online. Directors shall obtain proof of participation after completing the ethics training. District staff shall maintain records indicating both the dates that directors completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five years after the Directors receive the training and are public records subject to disclosure under the California Public Records Act. Any director of Arcade Creek Recreation and Park District who serves on the board of another agency is only required to take the training once every two years.

3.41 Sexual Harassment Prevention Training

The Board of Directors is required to take at least two (2) hours of anti-sexual harassment training every

two years per AB 1825 and AB 1661. This training will include the definition of sexual harassment and discrimination in the workplace, how to recognize and avoid harassment, what procedures to follow, the potential consequences of harassment, what constitutes abusive conduct in the workplace in compliance with AB 2053, and orientation, gender identity & gender expression in compliance with SB396.

3.42 Recommended Governance Training - Board Chairperson and Vice-Chairperson

The Arcade Creek Recreation and Park District values continuing educational opportunities for Board Members. The Chairperson and Vice-Chairperson should have special district governance training to succeed in their leadership roles. The purpose of this policy is to ensure consistency in the development of governance foundations. Prior to the election of Directors as Chairperson or Vice-Chairperson, the Board shall consider completion of Special District Governance Training through an appropriately accredited association or resource (CSDA, CARPD, CPRS, etc.) as a factor in Officer eligibility.

3.43 Actions of the Board of Directors

The Board of Directors shall affect decision-making at Board meetings. The Board of Directors shall thoroughly prepare themselves to discuss agenda items at meetings by reviewing the Agenda and the Board memorandum or committee agenda prior to the time of the meeting.

3.44 Meetings

Upon the commencement of a meeting, the members of the Board of Directors shall defer to the Chairperson for the conduct of the meetings and the order of business. The Board shall seek authorization from the Chairperson to conduct questions or discussions on items within the agenda. Comments should be brief and confined to the matter on the agenda being discussed by the Board. The Chairperson of the Board has the authority to end a discussion if it is repetitive or out of turn.

3.45 Information Requests

Information reports and decision-making form the basis for Board policy. Requests by individual Board members for information and/or research from the General Manager shall be channeled through the Chairperson of the Board of Directors. This should provide an opportunity for each member of the Board of Directors to receive such information or research and to assure that the workload of the General Manager and the professional staff are appropriately considered in the development of such reporting. Lengthy reports, studies, or analyses shall be authorized by a majority vote of the Board.

3.46 Emergency Information

The Board of Directors desires that the General Manager or staff designee inform the full board of emergency or critical circumstances that have occurred in the course of District operations. These circumstances may include significant injuries sustained by the public or staff or major destruction of District facilities.

4 BOARD RELATIONSHIPS

4.1 Intra-agency

For all matters of official Board action, the General Manager shall assume the responsibility of

representing staff before the Board.

4.2 General Manager and Staff

The General Manager shall develop procedures relative to the staff's working relationship with the Board and its committees. The Board will refrain from producing work typically assigned to staff or a consultant for consideration from the full board.

4.3 Personnel Actions

The Board shall be apprised of personnel actions that are under the purview of the General Manager. The Board is not an arbitrator in these actions unless the action is directed at the General Manager.

4.4 Private Sector and Individual Relationships

The General Manager shall make all possible attempts to meet with private industry and individuals in the coordination of recreation services and programs and in the planning, design, and construction of sites and facilities where it is deemed in the best common public interest.

4.5 Governmental Relationships

The Board shall make all possible attempts to meet with other governmental agencies, such as, but not limited to cities and the County of Sacramento, School Districts, other park agencies, water agencies, fire districts, etc. in order to advocate for recreation services and programs and in effecting planning, design, and construction of sites and facilities where it is deemed in the best common public interest. These types of meetings are not eligible for Board financial compensation.

4.6 Community Relationships

The Board shall recognize and may be involved with community organizations that are deemed beneficial in fulfilling the goals and purposes of the District. These types of Board activities are not eligible for compensation.

4.7 Memberships, Associations, and Other Entities

The Board of Directors may ordinarily hold membership in and attend meetings of national, state, and local associations as may exist, which have applicability to the functions of the District, and shall look upon such memberships as appropriate for in-service training and education. The Chairperson of the Board may make appointments to sit on certain associations and other entities, as may be required or deemed necessary by the Board of Directors. The Sacramento Parks Foundation, 501c3 is an example of this leadership requirement, where one ACRPD Board Member is required to serve on the SPF Board and attend periodic meetings and events. These types of Board activities are not eligible for compensation.

4.8 Training, Education, and Conferences

The District shall encourage the Board's development in excellence by providing for attendance at various conferences, educational courses, and training sessions. The amount may vary depending on the Board's involvement in other agencies and the requirement to attend training and or conferences based on those roles. The amount allocated for Board Member attendance at conferences will be set at the final Fiscal Year budget.

4.9 Expenditures for Education and Conferences

District administrative staff shall be responsible for arrangements for travel, lodging, and registration for the Board of Directors and staff attending state and national seminars, workshops, and conferences. All expenses shall be reported to the District by directors and staff, together with validated receipts, no later than 30 days after said occurrence or reimbursement is forfeited. Said information shall be audited and available to the public for inspection.

4.10 Seminars, Workshops, and Conferences

Seminars, workshops, and conferences shall be approved by the collective Board of Directors during regular Board meetings, before incurring any reimbursable costs. These Board activities are eligible for compensation up to \$100 per occurrence with preapproval from the Board of Directors.

4.11 ACRPD-hosted and non-hosted Community Events

Attending and participating in community events and events hosted by ACRPD are encouraged but not required. These types of Board activities are not eligible for financial compensation.

4.12 Information Learned

Upon returning from seminars, workshops, or conferences where expenditures were reimbursed by the District, directors will report to the Board of Directors during the next scheduled meeting.

5 RECORDS MANAGEMENT

5.1 Legal Requirements

The Board of Directors shall direct the General Manager to maintain all records and reports required by law, including, but not limited to, financial statements, audits, minutes of Board meetings, and all other legal documents deemed necessary in the execution of this policy manual. Refer to ACRPD Records Management Policy

5.2 Roster of Public Agencies

The District shall file with the Secretary of State and the Clerk of the County of Sacramento, a statement of facts which include the full legal name of the District, its mailing address, the name and residences of Board members, and the name and title and address of the Chairperson and Secretary of the Board. The said report shall be filed with the Secretary of State and the County Clerk within ten (10) days after any change in the facts as required and listed above. It is the duty of the Secretary of State and County Clerk of each county to establish and maintain an indexed roster of public agencies pursuant to *Section 53051 of the Government Code* of the State of California.

5.3 Public Records Act

The District shall make available to any interested person, member of the public or agency, copies of any District correspondence, procedural actions, maps, minutes, agenda, reports, or other written information as may be desired. Requests for such information shall be filed at the District Headquarters Office, requesting a scheduled time for inspecting such records or for photocopying of such records. In the event that said records are to be copied for the individual, a cost established in the fee schedule not less than 25 cents per page shall be charged. Records requiring copying, collation, retrieval, or

preparation shall be made available three weeks from request and may require additional charges to the requesting party. Information that is contained on recordings shall be made available to the public when requested. A scheduled time and place for listening to said records shall be made available to the requesting party. Correspondence from the General Manager to legal counsel or from legal counsel to the District may be considered confidential and, therefore, may not be made available to the public upon request.

5.4 Records of the District

Records, as indicated above, are maintained on a chronological basis pursuant to individual Board meetings, committee meetings, and other designated meetings as previously described. Records of the District also include this Policy Manual and the Personnel Policies.

6 CONFLICTS OF INTEREST

6.1 General Requirements

Directors shall abstain from participating in the consideration of any item involving a personal or financial conflict of interest. Unless such a conflict of interest exists, however, Directors should not abstain from the Board's decision-making responsibilities. The Political Reform Act, *Government Code Section 81000*, et seq., requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation, *2 Cal. Code of Regs. Section 18730* contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of *2 Cal. Code of Regs. Section 18730* and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference.

Designated employees shall file statements of economic interest with Sacramento County. Designated employees are subject to Full Disclosure. Full Disclosure includes all interests in real property in the boundaries of the district, as well as investments, business positions, and sources of income, including gifts, loans, and travel payments, as defined by FORM 700. It is the policy of the District that members of the Board of Directors and designated employees of the District should at all times avoid conflicts of interest in the performance of their duties on behalf of the District. Members of the Board and designated employees are bound to exercise their powers and perform their duties with disinterested skill and diligence and for the benefit of the public which the District serves.

Members of the Board and designated employees shall avoid any personal interest, whether financial or non-financial, that interferes with that person's ability to perform in accordance with this standard. This conflict of interest policy describes the several different types of conflicts of interest that members of the District Board and employees must avoid in complying with the statutory requirements. These different types of conflicts of interest are as follows: (1) conflicts of interest under the Political Reform Act, which provides that public officials are disqualified from participating in governmental decisions in which they have a financial interest; (2) the requirements of *Government Code Section 1090* that a public official or employee may not participate in the making of a contract of the District in which he or she has a financial interest; (3) legal restrictions on gifts, honoraria, and travel expenses; (4) legal

restrictions on mass mailings; and (5) avoiding incompatible public offices.

6.2 Conflicts of Interest under the Political Reform Act

Under the Political Reform Act (the "Act"), public officials are disqualified from participating in government decisions in which they have a personal, material, or financial interest. To determine whether a conflict of interest exists under the Act, five questions must be addressed, as follows:

- 1) Is a public official making, participating in the making, or using his or her official position to influence the making of a District governmental decision?
- 2) Does the public official have a statutorily defined economic interest in the outcome of a District decision?
- 3) Is it reasonably foreseeable that the District decision could materially affect the public official's economic interest?
- 4) Are the personal financial effects of a District decision "material" in accordance with the regulations and monitored thresholds specified by the Fair Political Practices Commission ("FPPC")? and
- 5) Will the effect of the District decision on the public official's economic interest be distinguishable from its effect on the public generally?

If the answer to all five of these questions is yes, a conflict of interest exists, and the public official in question must disqualify himself or herself from participating in the District decision. Conflicts of interest under the Act must be assessed on a case-by-case basis for possible conflicts of interest in light of their individual facts. Members of the Board and employees of the District must examine each transaction from this perspective to determine if a conflict of interest exists that triggers this qualification requirement.

1) Economic Interests Covered

The Act addresses six kinds of interests: (1) investments in business entities; (2) interest in real property; (3) sources of income; (4) holding positions with business organizations; (5) donors of gifts and their agents or intermediaries; and (6) campaign contributions. The Act specifies the minimum amount of investments, income, or gifts that must exist before an "interest" is created. A District Board member or designated employee with an investment, income, or gift which is more than the minimum specified in the Act creates the potential of a material financial effect on that individual's economic interest, should that individual be required to participate in the making of or influencing a District decision which affects that individual's financial interest.

All Arcade Creek Recreation and Park District officers shall comply with the provisions of California Government Code Section 84308, requiring that agency officers, prior to rendering any decision in a proceeding involving a license, permit, or other entitlement for use pending before the Board of Directors shall disclose the fact that the officer received a campaign contribution within the preceding twelve (12) months in an amount of more than \$250 from a party or participant in the matter before the Board of Directors, and thereafter shall not make, participate in making, or in any way attempt to use the officer's official position to influence the

decision of the Board of Directors. (Ref. CA Senate Bill 1439)

2) Business Positions

A member of the Board or designated employee of the District has an economic interest in any business entity in which he or she is an officer, director, or employee or holds any business position, regardless of whether the individual has an investment or receives income from the business entity.

3) Foreseeability

A member of the Board or designated employee of the District is not required to abstain from participating in a District decision unless the effect of the decision on the individual's personal economic interest is reasonably foreseeable under all the circumstances at the time the decision is made. There must be a reasonable possibility based on the facts available to the Board member or employee at the time of the decision that the effects on that individual's economic interest will occur.

4) Material Financial Effect

To create a conflict of interest, the effect of the decision of the Board member or designated employee on his or her economic interest must be material in light of the specific monetary limits and thresholds set forth in the FPPC regulations.

5) Different Effects on the Public Generally

If a member of the Board or designated employee of the District has an economic interest and the District decision in question will foreseeably have a material effect on that economic interest, the individual would be disqualified from participating in the District decision if the decision will affect the individual's personal financial interest differently than it does the "public generally." If a member of the Board or a designated employee is participating in a District decision that will affect the general public's financial interests in the same manner as it does the individual Board member or employee, then no conflict of interest exists for that individual. For example, participating in a decision with respect to the levying of assessments will affect the financial interests of a member of the Board or designated employee of the District in the same way as it will other members of the public who will be obligated to pay such assessment, so that no private or public conflict of interest will have occurred in such situations.

6.3 Board Members are required to file a Form 700 annually.

Board members must file their Form 700 by the annual deadline to remain in good standing as an elected official.

6.4 Gift Acceptance

Under this policy, a "gift" is defined as any gift of money, property, rebate, discount, ticket, travel expense advance, and/or reimbursement, or any other property of value. Employees of the District are prohibited from accepting any gift, directly or indirectly, from any person, company, firm, corporation, or other business to which any purchase order or contract for property or services is or might be awarded by the District. Board members are prohibited from accepting any gift, directly or indirectly,

from any single source in a calendar year with a value in excess of the maximum prescribed by Government Code Section 89503; the amount is currently \$500.00. Board members may not participate in any way in the discussions, negotiations, resolution, or decision that affects an entity or individual that has been a source of gift to that Board member of \$500.00 or more in the past twelve (12) months pursuant to Government Code Section 87103. Further, members of the Board of Directors and/or designated employees are prohibited from making, participating in making, or using their official positions to influence the making of any District decision which will affect either the business, organization or individual that makes the gift to that District officer or employee, or which impacts the amount or value of such a gift.

Travel expenses of Board members including costs of transportation, accommodations, and meals provided by any private business or corporation, a private interest group or organization and certain nonprofit organizations are generally considered a gift to that board member and must annually be reported on that Board member's FPPC Statement of Economic Interest Form 700 filed pursuant to the District's Conflict of Interest Code (Appendix 100-A). Under certain circumstances, receipt of travel expenses by a Board member or employee of the District may be considered reportable income, rather than a gift, to the extent the Board member or individual performs work or services benefiting the District in exchange for such travel expenses. Certain types of travel expenses may not lead to a prohibited conflict of interest and may not be reportable on the Form 700, such as travel expenses provided when a public official gives a speech, participates in a panel or seminar, or performs a similar service. Members of the Board and designated employees of the District are directed to the Instruction Manual for the Form 700 each year to become aware of these special rules that apply to the receipt of travel expenses.

6.5 Limits on Honoraria

1) Definition of Honorarium

An honorarium is a payment made in consideration for any speech given, article published, or attendance at a public or private conference, convention, meeting, social event, meal, or similar gathering.

2) Limits on Honorarium

The Act prohibits the receipt of an honorarium by any elected member of the Board of the District or by any designated employee of the District.

3) Return of Donation of Honorarium

The limitations on an honorarium do not apply if, within 30 days of the receipt of the honorarium, the honorarium is returned unused, is donated to the general fund of the District, or is donated to a charity and not claimed as a tax deduction.

6.6 Economic Disclosure Provisions

In addition to the requirements that members of the Board and designated employees of the District disqualify themselves from conflicts of interest situations, these individuals whose participation in District decision-making could affect their economic interests are required under the Act to file economic interest statements (Form 700) annually, which are public records. Disclosure serves a two-fold purpose of making assets and income of members of the Board and designated employees of the District a matter of public record, and by making the public aware of what constitutes economic

interests subject to conflicts of interest. Disclosure enables Board members and employees of the District to be able to identify conflict of interest situations when they arise and disqualify themselves from participating in discussions when appropriate.

1) Conflict of Interest Code

The District's Conflict of Interest Code, lists the Board members and designated employees of the District who are required to file a Statement of Economic Interest (Form 700) and describes the economic interests that are subject to reporting. The Conflict of Interest Code also specifies when Board members and designated employees of the District must file their Form 700s and with whom. All Form 700s are available for public inspection during regular business hours pursuant to the District's public record policy.

6.7 Mass Mailing Restrictions

The Act prohibits incumbent elected directors of the District from authorizing the use of District funds to produce mass mailings to residents and customers of the District which feature the elected Board member and increase the Board member's exposure to the public.

1) Basic Prohibition

The Act prohibits the District from mailing more than 200 substantially similar tangible items in one month, by any means, to recipients of the District if such mass mailing is prepared and mailed at District expense and featured an elected member of the Board, including the name, office, photograph or other reference to an elected Board member.

2) Exceptions

The Act specifies the following exceptions to the general prohibition:

- a) Any item in which the elected Board member's name appears only in the letterhead, or a roster listing containing the names of all members of the Board, or a listing of a member of the Board on the envelope of the District;
- b) A press release sent to members of the media;
- c) Any intra-District communication to staff during the normal course of business;
- d) Any item sent by the District in connection with the payment or collection of rates, fees, charges, or assessments;
- e) Any District or telephone directory, organizational chart, or similar listing or roster;
- f) An announcement sent to an elected Board member's constituent concerning a public meeting which is directly related to the elected Board member's duties on behalf of the District which is held by the elected Board member and which the elected Board member attends.

6.8 Conflicts of Interest in Contracts

A Board member or designated employee of the District may not participate in the making of a contract or influence the negotiation of a contract in which he or she is financially interested. A Board member is conclusively presumed to have participated in the making of any contract executed by the Board or the District, even if the Board member has disqualified himself or herself from any and all participation in the making of the contract. Any Board member or designated employee of the District who participates in the process by which a contract is developed, negotiated and executed and in which such Board

member or employee is financially interested is a violation of Government Code Section 1090. Any contract made in violation of Government Code Section 1090 is void and cannot be enforced.

1) *Persons Covered*

All Board members are covered because they are conclusively presumed to be involved in the making of all contracts by the District. All employees and consultants of the District also come within the prohibitions of Government Code Section 1090.

2) *Nature of Financial Interest in a Contract*

The following economic relationships generally constitute a financial interest in a contract prohibited by Government Code Section 1090: (1) employee of a contracting party; (2) attorney, agent or broker of a contracting party; (3) supplier of services or goods to a contracting party; (3) landlord or tenant of a contracting party; (4) officer or employee of a nonprofit corporation which is a contracting party with the District.

3) *Remote Interests*

Government Code Section 1091 enumerates specific financial interests of Board members and employees of the District in contracts of the District which trigger abstention for Board members, but which do not prevent the Board from making the contract. Members of the Board and the designated employees of the District should consult Government Code Section 1091 for the definition of the specific interests that constitute a remote interest.

4) *Non-Interest*

Government Code Section 1091.5 enumerates the specific financial interests in contracts of the District which do not prevent a Board member or employee from participating in the making of a contract, and do not require abstention or disqualification, which interests are referred to as "non-interest s." Again, Board members and District staff are urged to consult Government Code Section 1091.5 for the specific types of interests that constitute "non - interest."

6.9 Incompatible Offices

The legal restrictions on incompatible offices deal with the potential clash of two public offices held by a single individual, as opposed to a conflict of interest, which involves a clash between an individual's private interests and his or her public duties. The law prohibits a public official from holding two public offices simultaneously, except as specifically authorized and permitted by law, where there is a potential conflict or overlap in the functions or responsibilities of the two offices.

6.10 Claims Against the District Purpose

The purpose of these policies is to establish uniform procedures for the filing of claims against the District for money or damages in accordance with the requirements of the Government Claims Act (*Gov. Code* § 810-996.6 hereinafter the "Act"). In general, the Act and these policies require that a legal action for money or damages against the District may not be maintained in a court of law unless a written claim has first been timely presented to the Board of Directors of the District and rejected in whole or in part. Compliance with the procedures specified in the Act and these policies is mandatory in order for the claimant to maintain a judicial action against the District for monetary damages. The purpose of these policies is to give the District an opportunity to settle justifiable claims before legal action is brought.

Board Action on Claims

The General Manager or designee will receive, investigate, and present all claims to the Board of Directors. The Board is authorized, within a period of forty-five (45) days after the claim has been presented to the District, to take any of the following actions: (1) reject the claim entirely; (2) allow the claim in full; (3) allow the claim in part and reject the balance of the claim; (4) compromise the claim or settle the claim if the liability or amount due is disputed; (5) take no action, thus permitting the claim to be denied by operation of law pursuant to *Government Code Section 912.4(c)* and the provisions of the District's claim ordinance.

The District's Joint Power Authority (JPA) recommends that if the Board of Directors of Arcade Creek Recreation and Park District disputes any aspect of alleged District liability for the claim, or disputes in part the amount of money or damages alleged in the claim or the specific District action requested in the claim, that the Board of Directors of Arcade Creek Recreation and Park District reject the claim in its entirety and forward it to the insurance coverage provider for additional investigation and adjustment of the claim. Upon final action by the Board of Directors on any claim, the General Manager or designee will mail a written notice to the claimant per *Government Code 913*.

7 INDEMNIFICATION OF DISTRICT EMPLOYEES AND BOARD MEMBERS BY DISTRICT

7.1 Purpose of Policy

The law requires the District to defend and indemnify either an employee or a Board member in a civil court proceeding arising out of personal injury or property damage caused by a negligent or wrongful act or omission occurring within the employee's or Board member's scope of duties, and to indemnify the employee or Board member for the amount of any settlement or judgment resulting from such claims. The purpose of these statutory indemnification provisions is to eliminate the concern of District employees and Board members that they might be forced to finance their own defense and pay any damages resulting from claims by third parties arising out of the good faith performance of their duties for the District.

7.2 Defense of Employee or Board Member

Generally, the District will provide defense for an employee or Board member against the claim unless the District determines that the act or omission of the employee or Board member is not within the scope of employment or their duties, or if the employee or Board member acted or failed to act because of fraud, corruption or actual malice. In these situations, the District will deny any request of an employee or Board member to have the District defend their interest with respect to the claim.

The District's obligation to provide a defense applies to civil actions only and does not apply to disciplinary proceedings, administrative proceedings, or criminal proceedings.

1) Method of Providing Defense

The District may provide the employee or Board member with a defense through the District's own counsel, by employing other counsel, or by asking its liability insurance coverage provider to provide a defense through counsel of the insurance coverage provider's choice. The District shall respond in writing to the request of an employee or

Board member that the District provide for their defense to a claim.

7.3 Indemnification of Employee or Board Member by District

In those circumstances in which the District assumes the defense of an employee or Board member, the District is required by law to pay any judgment issued by a court against the employee or Board member or pay any settlement on behalf of the employee or Board member to which the District has agreed.

1) Exceptions

The District's duty to indemnify an employee or Board member with respect to a claim applies only to civil proceedings arising out of personal injury or property damage caused by an act or omission of the employee or Board member in the scope of their respective duties on behalf of the District. The duty for the District to indemnify does not extend to any damage claim arising out of an act or omission of an employee or Board member in which action is not within the course and scope of the duties of that employee or Board member. In addition, the District has no duty to indemnify an employee or Board member against a claim that arises out of the fraud, corruption, or actual malice of an employee or Board member.

2) Defense and Indemnification Pursuant to Reservation of Rights

Under certain circumstances, the District may assume the defense of an employee or Board member with respect to a claim and reserve its rights to refuse to pay a judgment or to settle a claim against the employee or Board member on the ground that the injury or alleged damage claimed arose out of an act or omission of the employee or Board member that was not within the scope of their respective duties on behalf of the District. If the District reserves its rights on this ground, and the employee or Board member fails to establish that he or she acted within the course and scope of their duties on behalf of the District, then the District will not be liable to indemnify the employee or to pay damages to the claimant.

7.4 Consultation with Legal Counsel

Due to the complexities in the law regarding the District's duty to defend and indemnify employees and Board members with respect to certain claims, in most circumstances, District staff will consult District legal counsel with respect to the District's duty to defend or indemnify an employee or Board member with respect to any particular alleged claim against the District.